



Attorney's Docket No. 033364-80

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#28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAILSTOP: REISSUE
)	
Patrick L. AHL et al.)	Group Art Unit: 1615
)	
Application No.: 09/398,934 (Reissue of)	Examiner: G.S. Kishore
U.S. Patent 5,662,930))	
)	Confirmation No.: 1677
Filed: September 1, 1999)	
)	
For: REDUCTION OF LIPOSOME-)	
INDUCED ADVERSE)	
PHYSIOLOGICAL REACTIONS)	

REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a **Petition to Reset a Period for Reply Due to Late Receipt of an Office Communication Pursuant to M.P.E.P. § 710.06** for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☒ Also enclosed is/are Fax cover sheet dated 5/1/03 with Ex Parte Quayle Office Action mailed 2/26/03; cover page of Office Action mailed 4/25/02; and Notice Regarding Power of Attorney mailed 9/19/01.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) request suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

(05/03)

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

☐ A claim fee in the amount of \$_____ is enclosed.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: May 9, 2003

By:

Jennifer A. Topmiller
Jennifer A. Topmiller, Ph.D.
Registration No. 50,435

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620



033364-280

09/398,934.

To Jennifer Topmiller, Ph.D.

A copy of the office action, as per your request.

Please acknowledge

L Shunk

Chandrasekhar S. Mishra, PhD
Primary Examiner
Group 1600

5-1-03

Called &
acknowledged
J.F.

703-308-2440

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BURNS DOANE
SWECKER & MATHIS, LLP.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,934	09/01/1999	PATRICK L. AHL	31839-150675	1677

26694 7590 02/26/2003

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 3438
WASHINGTON, DC 20043-9998

EXAMINER

KISHORE, GOLLAMUDI S

ART UNIT

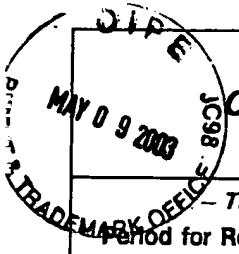
PAPER NUMBER

1615

DATE MAILED: 02/26/2003

27

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.
09/398,934

Applicant(s)

Ahl

Examiner
Gollamudi KishoreArt Unit
1615

The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE two MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 23, 2002
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 (C.D. 11; 453 O.G. 213).

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 54-57 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 54-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 26
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:



Interview Summary

 Application No.
09/398,934

Applicant(s)

Ahl

Examiner

Gollamudi K shore

Art Unit

1615



All participants (applicant, applicant's representative, PTO personnel):

(1) Gollamudi Kishore

(3)

(2) Jennifer Topmiller

(4)

Date of Interview Feb 11, 2003Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal (copy is given to 1) ☐ applicant 2) ☐ applicant's representative)Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: claims on record

Identification of prior art discussed:

NoneAgreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The examiner suggested surrendering the original patent since the claims appear to be in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked d).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

[Signature]
 Gollamudi S. Kishore, PhD
 Primary Examiner
 Group 1600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

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 MAY 14 2003
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Application/Control Number: 09/398,934

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DETAILED ACTION

The request for the extension of time and amendment filed on 9-23-02 are acknowledged.

Claims 1-17 and 54-57 are pending in the application; claims 1-17 and 54-57 are allowable pending the correction of the following.

- 1) Because additional amendments have been made, a supplemental declaration is required. Further, the original declaration no longer recites an error being corrected by reissue. The original declaration does not specify with particularity what error is being corrected. Thus, a new declaration, signed by all the inventors, is required.
- 2) claims 1 and 16 contain errors in their amendments and therefore, need to be resubmitted:

Line 4 of claim 1: it should have been 'that' instead of 'at', following the term, 'such'.

Originally presented claim 16 spells polynucleotide as 'polynucleofide'.

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1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *G.S. Kishore* whose telephone number is (703) 308-2440.

The examiner can normally be reached on Monday-Thursday from 6:30 A.M. to 4:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T.K. Page, can be reached on (703)308-2927. The fax phone number for this Group is (703)305-3592.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [thurman.page@uspto.gov].


All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communication where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1235.



Gollamudi S. Kishore, Ph. D

Primary Examiner

Group 1600

gsk

February 24, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,934	09/01/1999	PATRICK L. AHL	31839-150675	1677

7590 04/25/2002

Teresa Stanek Rea
Burns, Doane, Swecker & Mathis LLP
P O Box 1404
Alexandria, VA 22313-1404

EXAMINER

KISHORE, GOLLAMUDI S

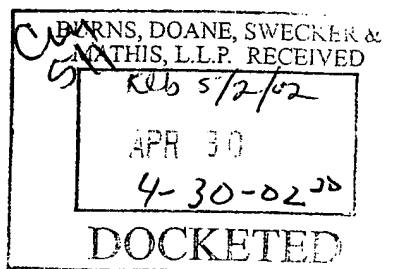
ART UNIT

PAPER NUMBER

1615

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



TLC.

033364-280

TSR/mxm/wth

Resp Due 7/25/02



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/398,934	09/01/1999	PATRICK L. AHL	31839-150675

Teresa Stanek Rea
Burns, Doane, Swecker & Mathis LLP
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CONFIRMATION NO. 1677



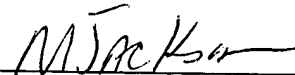
OC000000006576569

Date Mailed: 09/19/2001

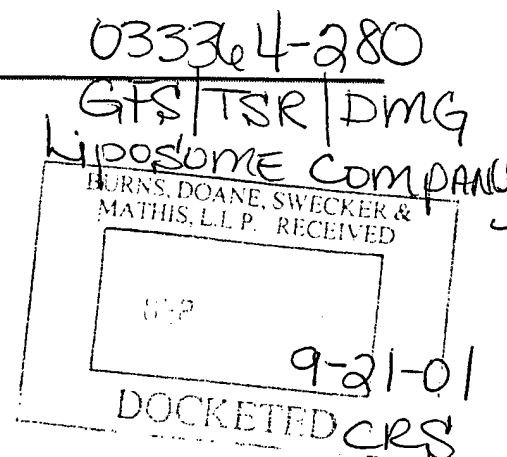
NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2001.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.


Customer Service Center
Initial Patent Examination Division (703) 308-1202

ATTORNEY/APPLICANT COPY



9/25 → DMG



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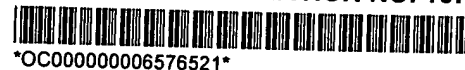
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/398,934	09/01/1999	PATRICK L. AHL	31839-150675

MARINA V SCHNELLER
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WASHINGTON, DC 20043



CONFIRMATION NO. 1677



OC000000006576521

Date Mailed: 09/19/2001

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2001.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).



M. Jackson

Customer Service Center

Initial Patent Examination Division (703) 308-1202

NEW ATTORNEY/AGENT COPY